

ORDINANCE NO. 2002 - 073

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE **TRANSPORTATION ELEMENT** (TO REVISE REGARDING CHANGES RELATED TO TRAFFIC PERFORMANCE STANDARDS); AND AMENDING ALL ELEMENTS AS NECESSARY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17;

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners have initiated amendments to several elements of the Comprehensive Plan in order to promote the health, safety and welfare of the public of Palm Beach County; and

WHEREAS, the Palm Beach County Local Planning Agency conducted its public hearings on June 14 & 28, July 12 & 22, 2002 to review the proposed amendments to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, the Palm Beach County Board of County Commissioners, as the governing body of Palm Beach County, conducted a public hearing pursuant to Chapter 163, Part II, Florida Statutes, on July 24, 2002 and August 28, 2002 to review the recommendations of the Local Planning Agency, whereupon the Board of County Commissioners authorized transmittal of proposed amendments to the Department of Community Affairs for review and comment pursuant to Chapter 163, Part II, Florida Statutes; and

WHEREAS, Palm Beach County received on November 13, 2002 the Department of Community Affairs "Objections, Recommendations, and Comments Report," dated November 8, 2002 which was the Department's written review of the proposed Comprehensive Plan amendments; and

WHEREAS, the written comments submitted by the Department of Community Affairs contained no objections to the amendments contained

1 in this ordinance;

2 WHEREAS, on December 18, 2002 the Palm Beach County Board of
3 County Commissioners held a public hearing to review the written
4 comments submitted by the Department of Community Affairs and to
5 consider adoption of the amendments; and

6 WHEREAS, the Palm Beach County Board of County Commissioners has
7 determined that the amendments comply with all requirements of the
8 Local Government Comprehensive Planning and Land Development
9 Regulations Act.

10 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
11 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

12 Part I. Amendments to the 1989 Comprehensive Plan

13 Amendments to the text of the following Element of the 1989
14 Comprehensive Plan are hereby adopted and attached to this Ordinance
15 in Exhibit 1:

- 16 A. Transportation Element, to revise regarding changes related
17 to traffic performance standards; and
18 B. Amending all elements as necessary for internal
19 consistency.

20 Part II. Repeal of Laws in Conflict

21 All local laws and ordinances applying to the unincorporated area
22 of Palm Beach County in conflict with any provision of this ordinance
23 are hereby repealed to the extent of such conflict.

24 Part III. Severability

25 If any section, paragraph, sentence, clause, phrase, or word of
26 this Ordinance is for any reason held by the Court to be
27 unconstitutional, inoperative or void, such holding shall not affect
28 the remainder of this Ordinance.

29 Part IV. Inclusion in the 1989 Comprehensive Plan

30 The provision of this Ordinance shall become and be made a part
31 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the
32 Ordinance may be renumbered or relettered to accomplish such, and the
33 word "ordinance" may be changed to "section," "article," or any other
34 appropriate word.

1 Part V. Effective Date

2 The effective date of this plan amendment shall be the date a
3 final order is issued by the Department of Community Affairs or
4 Administration Commission finding the amendment in compliance in
5 accordance with Section 163.3184(1)(b), Florida Statutes, whichever is
6 applicable. No development orders, development permits, or land uses
7 dependent on this amendment may be issued or commence before it has
8 become effective. If a final order of noncompliance is issued by the
9 Administration Commission, this amendment may nevertheless be made
10 effective by adoption of a resolution affirming its effective status,
11 a copy of which resolution shall be sent to the Florida Department of
12 Community Affairs, Division of Community Planning, Plan Processing
13 Team. An adopted amendment whose effective date is delayed by law
14 shall be considered part of the adopted plan until determined to be
15 not in compliance by final order of the Administration Commission.
16 Then, it shall no longer be part of the adopted plan unless the local
17 government adopts a resolution affirming its effectiveness in the
18 manner provided by law.

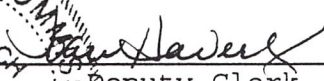
19 **APPROVED AND ADOPTED** by the Board of County Commissioners of
20 Palm Beach County, on the 18 day of December, 2002.

21 ATTEST:

22 DOROTHY H. WILKEN, Clerk

23 PALM BEACH COUNTY, FLORIDA,

24 BY ITS BOARD OF COUNTY COMMISSIONERS

25 
26 Deputy Clerk

27 By 
28 for Karen T. Marcus, Chair

29 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

30 
31 COUNTY ATTORNEY

32 Filed with the Department of State on the 24 day of
33 December, 2002

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EXHIBIT 1

A. Transportation Element, TPS Related Transportation Element Update

REVISIONS: To revise and update. The revisions are numbered below, and shown with the added text underlined, and the deleted text ~~struck out~~.

OBJECTIVE 1.1 Level of Service Standards

1. REVISED Policy 1.1-b:

No development order shall be issued by the County...*[omitted for brevity]*

~~(2) Test Two, as defined in the ULDC, shall analyze the proposed project against the level of service standards on the improved Major Thoroughfare system.~~

(2) Test 2-Five Year Analysis: No project shall be approved for development by the County or a municipality unless it can be shown that the traffic impact of the proposed development meets the requirements of Test 2 as described in greater detail in the ULDC. A Test 2 analysis will address all traffic anticipated to be in place at the end of the fifth year of the Florida Department of Transportation Five-Year Transportation Improvement program in effect at the time of traffic analysis submittal. LOS E, provided for in Tables 2a through 2c shall be employed in application of Test 2 as set forth in greater detail in the ULDC.

2. **NEW Policy 1.1-n: Buildout Analysis:** In corridors where the adopted LOS ~~will~~ may not be achieved pursuant to the 2025 Transportation System for Palm Beach County Highway Component prepared by the Palm Beach MPO, the County will institute a process to develop individual Corridor Master Plans to address each projected corridor failure. The ULDC shall provide specific guidelines for buildout analysis and specific timelines for the completion of the Corridor Master Plans.

Initially the County, affected municipalities, and affected property owners shall develop Corridor Master Plans for the following:

- 1) Indiantown Road from I-95 to Alternate A-1-A.
- 2) Okeechobee Boulevard from Benoist Farms Road to Tamarind Avenue.
- 3) SR 7/ Lyons Road Corridor from Okeechobee Boulevard to Lake Worth Road.
- 4) 10th Avenue North from I-95 to Military Trail.

The County will identify in the Plan up to an additional 26 corridors by December 2003.

The Corridor Master Plans will be accomplished in cooperation with the affected local governments and property owners within each Corridor. At a minimum, the Corridor Master Plans will consider mitigation methods to maintain good mobility within the corridor, including but not limited to: land use modifications, connectivity, mixed-use developments, alternative modes of transportation and increased roadway capacity.

Once a corridor Master Plan has been adopted for a corridor, no project with significant traffic on the corridor shall be approved for development by the County or a municipality unless it complies with the Corridor Master Plan. Nothing in this policy shall be used to limit the issuance of any Development Orders until the Corridor Master Plan has been adopted by the County and affected municipalities. Corridor Master Plans shall be in place by September 30, 2005.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on December 18, 2002
DATED at West Palm Beach, FL on 1/23/03.
DOROTHY H. WILKEN, Clerk
By: Shane Brown D.C.